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II

106TH CONGRESS  
1ST SESSION

## S. 902

To amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

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### IN THE SENATE OF THE UNITED STATES

APRIL 28, 1999

Mr. TORRICELLI (for himself, Mr. KERRY, Mrs. MURRAY, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Early Treatment for  
5 HIV Act of 1999”.

6 **SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME**  
7 **HIV-INFECTED INDIVIDUALS.**

8 (a) IN GENERAL.—Section 1902 of the Social Secu-  
9 rity Act (42 U.S.C. 1396a) is amended—

1 (1) in subsection (a)(10)(A)(ii)—

2 (A) by striking “or” at the end of sub-  
3 clause (XIII);

4 (B) by adding “or” at the end of subclause  
5 (XIV); and

6 (C) by adding at the end the following:

7 “(XV) who are described in sub-  
8 section (aa) (relating to HIV-infected  
9 individuals);” and

10 (2) by adding at the end the following new sub-  
11 section:

12 “(aa) HIV-infected individuals described in this sub-  
13 section are individuals not described in subsection  
14 (a)(10)(A)(i)—

15 “(1) who have HIV infection;

16 “(2) whose income (as determined under the  
17 State plan under this title with respect to disabled  
18 individuals) does not exceed the maximum amount  
19 of income a disabled individual described in sub-  
20 section (a)(10)(A)(i) may have and obtain medical  
21 assistance under the plan; and

22 “(3) whose resources (as determined under the  
23 State plan under this title with respect to disabled  
24 individuals) do not exceed the maximum amount of  
25 resources a disabled individual described in sub-

1 section (a)(10)(A)(i) may have and obtain medical  
2 assistance under the plan.”.

3 (b) CONFORMING AMENDMENTS.—Section 1905(a)  
4 of the Social Security Act (42 U.S.C. 1396d(a)) is amend-  
5 ed, in the matter preceding paragraph (1)—

6 (1) by striking “or” at the end of clause (x);

7 (2) by adding “or” at the end of clause (xi);

8 and

9 (3) by inserting after clause (xii) the following:

10 “(xii) individuals described in section  
11 1902(aa);”.

12 (c) EXEMPTION FROM FUNDING LIMITATION FOR  
13 TERRITORIES.—Section 1108(g) of the Social Security  
14 Act (42 U.S.C. 1308(g)) is amended by adding at the end  
15 the following:

16 “(3) DISREGARDING MEDICAL ASSISTANCE FOR  
17 OPTIONAL LOW-INCOME HIV-INFECTED INDIVID-  
18 UALS.—The limitations under subsection (f) and the  
19 previous provisions of this subsection shall not apply  
20 to amounts expended for medical assistance for indi-  
21 viduals described in section 1902(aa) who are only  
22 eligible for such assistance on the basis of section  
23 1902(a)(10)(A)(ii)(XV).”.

24 (d) EFFECTIVE DATE.—The amendments made by  
25 this section shall apply to calendar quarters beginning on



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1 or after the date of the enactment of this Act, without  
2 regard to whether or not final regulations to carry out  
3 such amendments have been promulgated by such date.

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